

13 MAR 1973

MEMORANDUM FOR: Director of Security

FROM: James H. McDonald
Director of Logistics

SUBJECT: Communications During Competitive
Procurement Actions

Bob:

The DDA has asked that I take care of distribution of the attached procurement note which I sent to the DDA for implementation. I would appreciate your circulating this to appropriate technical officers within your office and also mentioning at your staff meeting. Thanks.



/James H. McDonald

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OFFICE OF LOGISTICS
PROCUREMENT NOTE NO. 110

COMMUNICATIONS DURING COMPETITIVE PROCUREMENT ACTIONS

1. We are continually striving to increase the number of competitive vs sole source procurement actions. As the number of competitions goes up, the number of contractors involved in such competitions will also increase. It goes without saying that a further result of these factors is an increased probability of bid protests from our contractors.

2. During the past several years there have been at least two occasions when either contracting or technical personnel have prematurely released information regarding some milestone in a competitive action. These releases of information resulted in questions from one or more contractors and, in one case, in a protest being filed. Each of you is well aware that the foundation of our entire Federal procurement system is the doctrine of fairness for all contractors. The release of information to one contractor and not to all contractors could result in an unfair advantage, possibly a protest, and negation of the entire competition.

3. The privacy of all communications and information relative to the various milestones in the competitive procurement process, whether involving results of source selection committees or panels evaluating either technical or cost evaluations results, must be protected. This is doubly important when we remember that the source selection authority for good and sufficient reason may reverse the findings of one of his panels or boards or may ask one of these advisory mechanisms to reconsider its decision for one reason or another. Subsequent to the final decision by the source selection authority, a contract is executed and notices, along with invitations to debriefings, if applicable, are issued. Prior to these events, no information of any competitive procurement should be released to any person outside of the Agency except through the contracting officer and in accordance with established procurement procedure. Inside the Agency it is also important that information not be released unless the requesting employee has established a need-to-know.

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James H. McDonald

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